

By: Carona

S.B. No. 1056

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the practice of therapeutic optometry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 351.002(8), Occupations Code, is amended to read as follows:

(8) "Surgery" means a procedure using instruments, including needles that penetrate the globe of the eye, lasers, or scalpels, [~~or needles,~~] in which human tissue is cut, burned, or vaporized[~~, or otherwise altered~~] by any mechanical means, laser, or ionizing radiation. The term includes procedures using instruments that require closing by suturing, clamping, or another device. The term does not include a noninvasive surgical procedure described by Section 351.369 [~~to remove a superficial foreign body in the conjunctiva, eyelid, or corneal epithelium that has not perforated the Bowman's membrane~~].

SECTION 2. Section 351.260, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A faculty member of an institution of higher education in this state who provides instruction in optometry or therapeutic optometry and holds a license under this chapter may, in the course of teaching, perform and teach any procedure that may be lawfully performed by a licensed optometrist, therapeutic optometrist, or optometric physician in any other state.

SECTION 3. Subchapter H, Chapter 351, Occupations Code, is

1 amended by adding Sections 351.368 and 351.369 to read as follows:

2 Sec. 351.368. SCOPE OF PRACTICE OF THERAPEUTIC OPTOMETRIST.

3 (a) A therapeutic optometrist may diagnose any disease, condition,  
4 or disorder of the eye, adnexa, or visual system by any appropriate  
5 means.

6 (b) A therapeutic optometrist may treat any disease,  
7 condition, or disorder of the eye, adnexa, or visual system by any  
8 appropriate means other than surgery.

9 (c) A therapeutic optometrist may administer or prescribe  
10 any medication using any means of administration that is reasonably  
11 related to the diagnosis or treatment of the eye, adnexa, or visual  
12 system. A therapeutic optometrist may not prescribe a controlled  
13 substance that is listed, as of September 1, 2011, in Schedule I or  
14 Schedule II of the Comprehensive Drug Abuse Prevention and Control  
15 Act of 1970 (21 U.S.C. Section 801 et seq.).

16 (d) In addition to the professional designations listed in  
17 Section 104.003, a therapeutic optometrist may use the professional  
18 designation "optometric glaucoma specialist" or "optometric  
19 physician."

20 Sec. 351.369. AUTHORIZED NONINVASIVE SURGICAL PROCEDURES  
21 PERFORMED BY THERAPEUTIC OPTOMETRIST. A therapeutic optometrist  
22 may perform the following noninvasive surgical procedures:

23 (1) remove a superficial foreign body in the  
24 conjunctiva, eyelid, or corneal epithelium that has not perforated  
25 the Bowman's membrane;

26 (2) use tissue glue to close a wound;

27 (3) perform cultures or smears for diagnosis;

- 1           (4) pull eyelashes or remove irregular eyelashes with  
2 electrolysis;
- 3           (5) dilate, irrigate, or probe the lacrimal passages;
- 4           (6) place and remove punctal plugs;
- 5           (7) administer medication by injection, other than an  
6 injection that penetrates the globe of the eye;
- 7           (8) remove loose epithelium to promote healing;
- 8           (9) drain an abscess or cyst;
- 9           (10) remove small bumps from the eyelid;
- 10          (11) close the puncta by cautery;
- 11          (12) perform any glaucoma treatment procedure,  
12 including glaucoma treatment procedures using lasers, other than  
13 intraocular surgery by blade;
- 14          (13) provide postoperative care, including laser  
15 capsulotomy; and
- 16          (14) perform any other noninvasive surgical procedure  
17 approved by the board.

18           SECTION 4. Section 483.021(b), Health and Safety Code, is  
19 amended to read as follows:

20           (b) A pharmacist who is requested to dispense a dangerous  
21 drug under a prescription issued by a therapeutic optometrist shall  
22 determine, in the exercise of the pharmacist's professional  
23 judgment, whether the prescription is for a dangerous drug that a  
24 therapeutic optometrist is authorized to prescribe under Section  
25 351.368 [~~351.358~~], Occupations Code.

26           SECTION 5. The following laws are repealed:

- 27           (1) Section 351.160, Occupations Code;

- 1           (2) Section 351.165, Occupations Code;
- 2           (3) Section 351.358, Occupations Code; and
- 3           (4) Section 351.3581, Occupations Code.

4           SECTION 6. Chapter 351, Occupations Code, as amended by  
5 this Act, may not be construed as preventing a therapeutic  
6 optometrist from performing a procedure or administering or  
7 prescribing any medication that could legally be performed,  
8 administered, or prescribed by a therapeutic optometrist  
9 immediately before the passage of this Act.

10          SECTION 7. This Act takes effect September 1, 2011.